

USA vs. Castillo - Sentencing - August 6, 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 ) Case No. 7:14-CR-227  
vs. )  
 ) Midland, Texas  
STACEY LOUISE CASTILLO, )  
 ) August 6, 2015  
Defendant. )  
 ) 9:41 a.m.

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE ROBERT A. JUNELL  
SENIOR UNITED STATES DISTRICT JUDGE

**APPEARANCES:**

**FOR THE GOVERNMENT:** WILLIAM FRANKLIN LEWIS, JR., AUSA  
Office of the U.S. Attorney  
400 W. Illinois, Suite 1200  
Midland, Texas 79701

**FOR THE DEFENDANT:** JOHN L. POOL  
Law Office of John L. Pool  
117 N. W. Avenue A  
Andrews, Texas 78714

**COURT REPORTER:** Ann M. Record, RMR, CRR, CMRS, CRI  
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**P R O C E E D I N G S**

(At 9:41 a.m., proceedings commenced)

(Defendant present)

THE COURT: All right. Will the clerk call the next case, please.

THE CLERK: The court calls Midland 14-CR-227, the United States of America vs. Stacey Louise Castillo.

MR. LEWIS: Bill Lewis on behalf of the United States. The government's ready.

MR. POOL: John Pool on behalf of Stacey Castillo, present and ready, Your Honor.

THE COURT: Ms. Castillo, would you state your name for me, please.

THE DEFENDANT: Stacey Louise Castillo.

THE COURT: Ms. Castillo, are you one of the defendants in this case?

THE DEFENDANT: Yes, sir.

THE COURT: And did you receive a copy of the written Presentence Investigation Report?

THE DEFENDANT: Yes, sir, I did.

THE COURT: Did you read that report?

THE DEFENDANT: Yes, sir, I did.

THE COURT: And did you discuss that report with your attorney?

THE DEFENDANT: Yes, sir.

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1 THE COURT: And, Mr. Pool, did you receive a copy of  
2 the report and discuss it with your client?

3 MR. POOL: I did and we did, Your Honor.

4 THE COURT: Okay. And I know you've got a number of  
5 objections. We'll take those up in just a minute.

6 MR. POOL: Yes, Your Honor.

7 THE COURT: And I don't know if you were in here. We  
8 had some, oh, not typographical or grammatical, we just need to  
9 just make some changes here.

10 MR. POOL: I heard that, Your Honor, and I agree.

11 THE COURT: Page 8, Paragraph 23, we need to make  
12 that -- we need we need to add "On May 14, 2014."

13 And then on Paragraph 24, it should not be "2015."  
14 It should be "2014."

15 Then on Paragraph 26, the Court struck that part that  
16 says "...in the murder of Sean Lamb" and inserted the language  
17 from the superseding indictment, "...to possess with intent to  
18 distribute methamphetamine and possessed a firearm during and  
19 in relation to a drug trafficking crime which results in the  
20 murder of Sean Lamb," which is the more technical language for  
21 the --

22 MR. POOL: Yes, Your Honor.

23 THE COURT: Any objection to that, Mr. Pool?

24 MR. POOL: No, Your Honor.

25 THE COURT: Any objection, Mr. Lewis?

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1 MR. LEWIS: No, Your Honor.

2 THE COURT: Okay. So the Court makes those  
3 corrections.

4 And, Mr. Pool, I know you have filed a number of  
5 objections, and I will be glad to hear from you on your  
6 objections.

7 MR. POOL: I have, Your Honor. And I was present in  
8 the court when the Court addressed the objections filed  
9 previously and mine are similar. Some have to do with the  
10 factual dispute which I understand will come out on appeal to  
11 be decided, and I understand the Court's possession on those.  
12 Some have also been ruled on previously in the Court's ruling  
13 on the Defendant's Motion 29.

14 The only thing I wanted to add for the record on  
15 Objection No. 7 regarding the issue of Count Two and Three  
16 merging, I understand and respect the Court's ruling on that  
17 and I --

18 THE COURT: Wait. Counts Two and Three -- okay.  
19 Counts One and Three are going to be run concurrent with one  
20 another and then Count Two consecutive. Okay.

21 MR. POOL: Correct. Correct.

22 THE COURT: Okay. Go ahead.

23 MR. POOL: The only thing I wanted to add for the  
24 record, and I heard the Court's ruling earlier and respect  
25 that. I just wanted to add for the record that it was my

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1 understanding at the conclusion of the trial we brought this  
2 issue up, and Mr. Lewis agreed with the defense's position on  
3 that, that they would merge, and that's the only thing I wanted  
4 to add for the record, Your Honor.

5 THE COURT: Okay.

6 MR. POOL: But I understand the Court's ruling.

7 THE COURT: As to Objection 1, 2, 3, 4, 5 -- excuse  
8 me -- 1, 2, 3 and 4, which are somewhat factual disputes --

9 MR. POOL: Yes, Your Honor.

10 THE COURT: -- the Court overrules those objections  
11 and concurs with the probation officer's analysis of that.

12 As to the Objection 5, why don't you explain that  
13 objection to me, if you would.

14 Defendant objects to Paragraph 32 --

15 MR. POOL: Yes, Your Honor. After reading  
16 Mr. Bramley's response, I do agree with his response to the  
17 objection.

18 THE COURT: So you withdraw that objection?

19 MR. POOL: Yes, Your Honor.

20 THE COURT: Okay. Then as to Objection 6, explain  
21 that to me. Why don't you argue that one for me.

22 MR. POOL: Well, in my opinion, this also is kind of  
23 a factual dispute what they're claiming constitutes an  
24 obstruction of justice. Our position is that we disagree with  
25 the credibility and reliability of the testimony that was used

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1 to raise the issue of obstruction of justice.

2 THE COURT: Mr. Lewis, what's your position on  
3 Objection 6?

4 MR. LEWIS: With regards to the obstruction of  
5 justice in their argument here, the facts and testimony clearly  
6 showed that the government played -- offered and played video  
7 from the gas station in Presidio, Texas, which showed this  
8 defendant and Anthony Gonzales transporting Ruben Hernandez to  
9 that gas station in Presidio. You also saw and the jury saw in  
10 the video Ruben Hernandez then get out of their car, get into a  
11 Suburban and the Suburban drive off.

12 Subsequent interview with Ms. Castillo by law  
13 enforcement officers the next day revealed that Ms. Castillo  
14 and Mr. Gonzales had, in fact, transported Ruben Hernandez to  
15 Presidio so that he could then elude law enforcement officers.  
16 He was going to go into Mexico, and that was the purpose of  
17 them taking him down to Presidio.

18 So based upon that, they are obstructing justice by  
19 permitting and allowing somebody to flee, and then they took an  
20 active role in that.

21 Then with regards to the weapons as well, there was  
22 testimony that the weapon -- or both weapons that were involved  
23 in the crime, that they sought out the assistance of an  
24 individual by the name of Benson to help get rid of the guns  
25 and that Benson helped facilitate the sale and transfer of

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1 these guns to another individual. So based upon that, either  
2 one, we believe, supports the finding of obstruction.

3 THE COURT: Okay. And then as to Objection No. 7,  
4 this is -- I believe that that's a lesser-included -- the  
5 defendant believes that's a lesser-included offense of Count  
6 Three as they object to Paragraph 84 as Count Two is a  
7 lesser-included but Count Three is the objection.

8 I address this in my order denying the Rule 34 motion  
9 on July 22nd. And under 18 United States Code,  
10 Section 924(c)(1)(A)(B)(ii) states: "No term of imprisonment  
11 imposed on a person under this section shall run concurrent  
12 with any other term of imprisonment imposed on the person,  
13 including any term of imprisonment imposed for the crime of  
14 violence or drug trafficking crime during which the firearm was  
15 used, carried or possessed."

16 So I overrule that objection.

17 Any other objections, Mr. Pool?

18 MR. POOL: No, Your Honor.

19 THE COURT: Mr. Lewis, does the government have any  
20 objections or corrections?

21 MR. LEWIS: No, Your Honor.

22 THE COURT: I have reviewed the Presentence  
23 Investigation Report prepared by U.S. Probation Officer Douglas  
24 Bramley. I find the report accurate and correct, and I adopt  
25 the report and the application of the U.S. Sentencing

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1 Guidelines contained in the report.

2 The total offense level is a 43.

3 The criminal history category a II.

4 The guideline range for custody on Count One is 240  
5 months and on Count Three is life. Such counts to run  
6 consecutive -- to run concurrent with one another, excuse me.  
7 Those counts to run concurrent. And Count Two is seven years  
8 to run consecutive to the combined counts of Counts One and  
9 Three.

10 The defendant is ineligible for probation on any  
11 count.

12 Supervised release on Count One is three years, Count  
13 Two is two to five years, Count Three is two to five years.

14 The fine range on Count One is \$25,000 to \$1 million;  
15 Count Two, \$25,000 to \$250,000; Count Three \$25,000 to  
16 \$250,000; and restitution is \$5,861.

17 And the special assessment to the Crime Victims Fund  
18 is \$100 on each count -- Counts One, Two and Three -- for a  
19 total of \$300.

20 Ms. Castillo, I will be glad to hear from you and  
21 Mr. Pool on anything you would like for me to know before I  
22 pronounce sentence in your case. Anything you would like to  
23 say?

24 (Sotto voce discussion between the defendant and her  
25 attorney, Mr. Pool)



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1 MR. POOL: Your Honor, she would just like the  
2 opportunity to say something to her family with the Court's  
3 permission.

4 THE COURT: Sure. Turn around and tell -- turn  
5 around and do that.

6 THE DEFENDANT: I love you guys. Thank y'all for  
7 your support. I'm not giving up on us and believing in us, and  
8 we'll win the appeal. God knows the truth and that's all that  
9 matters and I am at peace with that. And I love y'all.

10 THE COURT: Where would you like to spend your time?

11 THE DEFENDANT: Where?

12 THE COURT: Yes, ma'am.

13 THE DEFENDANT: I would like to go to Carswell.  
14 Somewhere close to my family.

15 THE COURT: Okay. I'll make that -- again, I make a  
16 recommendation, but it is up to the Bureau of Prisons who  
17 decides where you go. And any special programs you think you  
18 ought to participate in?

19 (Sotto voce discussion between the defendant and her  
20 attorney, Mr. Pool)

21 THE DEFENDANT: No.

22 THE COURT: Okay.

23 Mr. Pool, what would you like to add?

24 MR. POOL: Nothing further, Your Honor.

25 THE COURT: Okay.

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1 Mr. Lewis, anything?

2 MR. LEWIS: As the evidence showed during the trial,  
3 Your Honor, with regards to Ms. Castillo, her role in this  
4 particular matter and in the events leading up to the death of  
5 Sean Lamb were as organizer.

6 When the methamphetamine was stolen from Liz  
7 Hernandez's apartment, Liz and her brother Ruben got together  
8 and decided to contact Ms. Castillo. And as we found out  
9 during the subsequent recordings of Ms. Castillo's interview  
10 with law enforcement, Ms. Castillo boastfully talked about how  
11 her reputation is to find people. And she has a crew that can  
12 find people, and that's what she does. If they need to be  
13 jacked up, then that's not a problem either.

14 So she was brought in for the purpose of locating  
15 Sean Lamb. She brought her crew with her, the other  
16 codefendants; two that you've already sentenced today and one  
17 who awaits sentencing. And during the course of the plan to  
18 abduct Sean Lamb and recover the methamphetamine, the  
19 discussion turned to guns.

20 And based upon the testimony that the jury heard and  
21 considered, it was Stacey Castillo who determined that guns and  
22 firearms needed to be a part of this abduction because they  
23 didn't need Sean Lamb talking after they had dealt with him.  
24 And she made the call to Anthony Gonzales, and Anthony Gonzales  
25 brought the guns.

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1           So she played an integral role, a very big role in  
2 the planning of not only the abduction of Sean Lamb but what  
3 was going to happen to Sean Lamb later that day. And for that,  
4 she needs to stand here today and be sentenced for those  
5 actions that she took that led to the death of Sean Lamb.

6           The family of Mr. Lamb is here today. They have  
7 submitted victim impact statements to the court that we ask the  
8 Court take into consideration. We also ask the Court order  
9 restitution to the victim's family as reflected in  
10 Paragraph 102 of Ms. Castillo's Presentence Investigation  
11 Report in the amount of \$5,861. That amount to be jointly and  
12 severally paid with all other codefendants in this case.

13           And the government respectfully asks that taking into  
14 account all the facts that came out in the trial and the  
15 information that's provided in the Presentence Investigation  
16 Report, that the Court fashion an appropriate sentence for  
17 Ms. Castillo in this matter. Thank you.

18           THE COURT: I am not departing from the recommended  
19 sentence. Pursuant to the Sentencing Reform Act of 1984 which  
20 I have considered in an advisory capacity and the sentencing  
21 factors set forth in 18 United States Code, Section 3553(a)  
22 which I have considered in arriving at a reasonable sentence  
23 and I do find the guideline range in this case to be fair and  
24 reasonable, the following sentence is imposed:

25           Stacey Louise Castillo is placed in the custody of

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1 the U.S. Bureau of Prisons to serve a term of imprisonment of  
2 240 months on Count One and life on Count Three. Such counts  
3 to run concurrent with one another.

4 On Count Two, she is sentenced to a term of  
5 imprisonment of seven years to run consecutive to Counts One  
6 and Three.

7 I'll recommend she be placed at the women's facility  
8 at Carswell. That she get education and job training and drug  
9 treatment.

10 Upon release from the Bureau of Prisons, you are  
11 placed on supervised release on Count One for three years;  
12 Count Two for five years; Count Three for five years, all such  
13 counts to run concurrent with one another.

14 The general terms of supervised release are those set  
15 for the U.S. Courts for the Western District of Texas. The  
16 special terms of supervised release are as follows:

17 You shall not be permitted to reside anyplace where  
18 firearms are possessed or stored.

19 You shall abstain from the use of all intoxicants,  
20 including alcohol, marijuana, synthetic marijuana and bath  
21 salts while on supervision.

22 You'll have no contact with any of your codefendants  
23 except for Anthony Ryan Gonzales.

24 You'll have no contact with the family of the victim  
25 in this case, Sean Michael Lamb.

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1           You'll have no contact with any member of the West  
2 Texas gang.

3           You shall pay any unpaid balance of restitution on  
4 the commencement of the term of supervision on a schedule to be  
5 approved by the Court. Restitution payment is to be made  
6 jointly and severally with the other codefendants to Ashley  
7 Lamb.

8           And you'll actually make that payment to the clerk of  
9 our court who will then redistribute it to Ashley Lamb in the  
10 amount of \$5,861.

11           I find that you do not have the ability to pay a  
12 fine. You are required to pay restitution, again, in the  
13 amount of \$5,861 as I've stated. And you are required to pay  
14 the mandatory special assessment to the Crime Victims Fund of  
15 \$100 on Count One, \$100 on Count Two and \$100 on Count Three  
16 for a total of \$300.

17           Ms. Castillo, you have the right to appeal your  
18 sentence and conviction. Any Notice of Appeal must be filed  
19 within 14 days from today in writing. If you cannot afford an  
20 attorney, an attorney will be appointed for you. Do you want  
21 Mr. Pool to represent you on the appeal?

22           Or, Mr. Pool, do you want to do the appeal or what do  
23 you want to do?

24           MR. POOL: Your Honor, we've discussed this. And I  
25 am going to file the Notice of Appeal on her behalf, but I

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1 would request that the Court appoint a new attorney to review  
2 the entire appeal.

3 THE COURT: Okay. I will appoint a qualified appeals  
4 lawyer to represent you on appeal.

5 But I would ask you to file the -- Mr. Pool, I would  
6 ask you to file the Notice of Appeal.

7 MR. POOL: Yes, Your Honor.

8 THE COURT: Two other documents need to be filed.  
9 Then after the Notice of Appeal is filed, within ten days you  
10 need to file a notice of intent to proceed in forma pauperis,  
11 and I do find you may proceed in forma pauperis. That means  
12 the government will pay for the record.

13 And then you need to file within ten days of the  
14 Notice of Appeal a designation of those parts of the record of  
15 the trial, you know, testimony and all that kind of stuff, with  
16 the clerk of the court so that can be -- those matters can  
17 be -- started to be drafted and everything.

18 Anything else from the government, Mr. Lewis?

19 MR. LEWIS: No, Your Honor.

20 THE COURT: Oh, we need to dismiss --

21 MR. LEWIS: Oh.

22 THE COURT: -- Counts One, Two and Three of the  
23 original indictment as this was a superseding indictment, I  
24 believe, that she was charged in; is that correct?

25 MR. LEWIS: She was convicted by the jury of Counts

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1 One, Two and Three in the superseding indictment; and the  
2 government then moves to dismiss Counts One and Two of the  
3 original indictment. The original indictment was only two  
4 counts.

5 THE COURT: Okay. So we dismiss Counts One and Two  
6 of the original indictment then; is that --

7 MR. LEWIS: Correct.

8 THE COURT: Okay. So ordered.

9 Anything else, Mr. Pool?

10 MR. POOL: No, Your Honor.

11 THE COURT: Ms. Castillo, any questions at all?

12 THE DEFENDANT: No, sir.

13 THE COURT: Good luck to you, ma'am. At this time  
14 you are remanded back into the custody of the U.S. Marshals.

15 (Proceedings concluded at 9:58 a.m.)

16 \* \* \* \* \*

17 C E R T I F I C A T E

18

19 I, ANN M. RECORD, RMR, CRR, CMRS, CRI, Federal  
20 Official Court Reporter, certify that the foregoing is a  
21 correct transcript from the proceedings in the  
22 above-entitled matter.

21

22

23 Date: 10/05/2015 /s/Ann M. Record  
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